

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Gotlieb	Team: Team # 4	CCRB Case #: 200107401	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/31/2001 3:20 AM	Location of Incident: n/a 85th Street Queens	Precinct: 115	18 Mo. SOL 4/30/2003	EO SOL 4/30/2003	
Date/Time CV Reported Wed, 10/31/2001 4:45 AM	CV Reported At: IAB	How CV Reported: Mail	Date/Time Received at CCRB Fri, 11/09/2001 2:13 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Downes	29467	918975	115 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sean Downes	Force: Officer Sean Downes hit § 87(2)(b) against his RMP.	

## Synopsis

On October 31, 2001, § 87(2)(b) filed a complaint with Patrol Duty Captain Eric Hothan of Patrol Bureau Queens North. Captain Hothan then called the Internal Affairs Bureau Command Center later that night and reported § 87(2)(b)'s complaint, where it was assigned log #01-22076. IAB then forwarded this complaint to the CCRB, where it was received on November 9<sup>th</sup>. In this complaint, § 87(2)(b) alleges that Officer Sean Downes hit his head on the hood of a parked vehicle during his arrest. He was treated by EMS for a bump to his forehead and a small laceration to his head.

This case was received from intake on November 14, 2001. A BADS check indicated that § 87(2)(b) was arrested on October 31 and November 1 by PO Downes. It also listed a phone number for § 87(2)(b). The phone number was called and the individual who answered stated that he was a friend of § 87(2)(b)s, and that § 87(2)(b) was staying with his sister § 87(2)(b) in Brooklyn. Cole's was checked to find a phone number for § 87(2)(b) in Queens, and three numbers were found, but all yielded negative results. Superpages.com was checked to find a phone number for § 87(2)(b) and twenty-nine different § 87(2)(b) names appeared. The automated Department of Corrections line was checked and revealed that § 87(2)(b) was detained at § 87(2)(b) at Riker's Island. On November 26, 2001, Riker's Island information hotline was called and revealed that § 87(2)(b) was no longer there.

On December 5<sup>th</sup>, the phone number listed on the arrest report was called again and § 87(2)(b) answered. She informed me that she was § 87(2)(b)'s roommate and verified that the phone number called corresponded to § 87(2)(b) in Queens. § 87(2)(b) was not there and § 87(2)(b) was asked to give him a message to call. Later that day, the first contact letters were sent to § 87(2)(b) one in English and one in Spanish. On December 10<sup>th</sup>, § 87(2)(b)'s sister called and asked that § 87(2)(b) be called after 9:00 PM because he worked from 9:00 AM to 9:00 PM. She provided her address and telephone number and informed the investigator that § 87(2)(b) has been staying with her since he has been out of jail. On December 12<sup>th</sup>, two messages from a Spanish individual were found on the investigator's voice mail. Investigator Jane Flanagan translated them and informed the investigator that § 87(2)(b) called and stated that he was available to talk before 9:00 AM and after 9:00 PM.

After returning from a vacation on January 4, 2002, Beth Thompson, Director of Personnel at the CCRB was consulted about the AT&T Language Line Service. On January 11<sup>th</sup>, the phone number left by § 87(2)(b) was called, but an unknown rude man, rather than § 87(2)(b) greeted the investigator. The investigator attempted to use the AT&T service, but it disconnected. § 87(2)(b) was called back, and when asked if he, in fact was § 87(2)(b) he responded, "no, no, no, no, no." The second contact letters were sent out that day, one in English and one in Spanish. Over the next sixteen days, six calls were placed to § 87(2)(b) and four messages were left on an answering machine. Four more contact letters were sent out during that same period, but § 87(2)(b) still has not made an effort to cooperate with the investigation beyond those two phone calls he placed on December 11, 2001.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: